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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No. 4051 of 2007

PETITIONERS

1. Yog Singh Thakur, S/o. Shri Jahan Singh, aged about 30 years Sarpanch, Gram Panchayat Mainpur, Block Development Gariyabandh, District Raipur.

2. Piluram Yadav, S/o. Shri Toshuram Yadav, aged about 33 years, Secretary, Gram Panchayat Mainpur, Block Development Gariyabandh, District Raipur.

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Ministry of Panchayat, D.K.S. Bhawan, Raipur.

2. The Sub Divisional Officer (Revenue) / Presiding Officer, Gariyabandh, Raipur.

3. The Gram Panchayat, Mainpur, Block Development Gariyabandh, District Raipur.

Petition under Article 226/227 of the Constitution of India

Present: Shri B.P. Sharma, counsel for the petitioners.
Shri U.N.S. Deo, Govt. Advocate for the State.
Shri Kunal Das, Advocate appears on behalf of Shri Anoop Majumdar, counsel for the caveator.

ORAL ORDER
(Passed on 27th September, 2007)

Petitioners are Ex-Sarpanch and Ex-Secretary respectively of Gram Panchayat, Mainpur -2. On the basis of certain complaint a preliminary enquiry was held wherein it was found that the petitioners are prima facie guilty of financial irregularities. Thereafter the petitioners were called upon to submit their reply so that the matter can be finally decided. Petitioners took time twice to file their reply but failed to do so. Accordingly final order was passed and petitioners were held guilty and recovery of Rs.7,85,290/- to be equally divided between them was ordered to be made. Aggrieved by the

said order petitioners filed an appeal before the Additional Collector who while entertaining the appeal has decline to pass an interim order on 20th April, 2007. Aggrieved by the said order the petitioners filed a revision before the Director, Panchayat who too dismissed the said revision by order dated 29-05-2007. Hence this petition.

The matter is pending in the appeal. It has been informed to this Court on behalf of the petitioners that the petitioners have tried to file their respective reply but the same was not taken on record. Interest of justice would suffice if the petitioners are allowed to bring their reply before the Appellate Authority who shall consider the same while deciding the appeal.

With the observation made above, writ petition is disposed of.

Sd/-
Acting Chief Justice

Kamde